APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,099	08/31/2001	Timothy Orr Knight	0006-003004	4363

7590   11/16/2007

Brake Hughes PLC
c/o PortfolioIP
P.O. Box 52050
Minneapolis, MN 55402

EXAMINER
KE, PENG

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
11/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

Application Number: 09/945,099
Filing Date: August 31, 2001
Appellant(s): KNIGHT, TIMOTHY ORR

NOV 1 6 2007

Technology Center 2100

Timothy Orr Knight
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/26/07 appealing from the Office action mailed

8/23/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,819,028	Manghirmalani et al.	10-1998
6256,651	Tuli	7-2001
6,064,984	Ferguson et al.	5-2000

| 6,012,042 | Black et al. | 1-2000 |
| 6,539,361 | Richards | 5-2003 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 141-143 are rejected under 35 U.S.C. 102(b) as being anticipated by Manghirmalani et al. (US 5,819,028)

As per claim 141, Manghirmalani teaches a data picture record derived from data input in the form of graphical arrangement by a user, the data picture record comprising:

An identifier indicating a particular action and/or a transaction identified by the user as related to the data input; (column 12, lines 1-15);

An identity of a data parameter selected by the user to express the data input and used in the graphical arrangement for the particular action and/or transaction; (column 12, lines 16-45) and

A weighting factor associated with said data parameter, said weighting factor being derived from a relative placement of said data parameter within the graphical arrangement. (fig.

12, item 1203; A data parameter's placement within the equation determines the relative factor

of the data parameter).

As per claim 142, Manghirmalani teaches the data picture of claim 141, wherein a

collection of data picture records are grouped for said action and/or transaction (col. 7, lines 55-

68, col. 8, lines 1-8).

As per claim 143, Manghirmalani teaches the data picture of claim 142, wherein said

collection data picture records include data picture records created before said action and/or

transaction, and data picture records created after said action and/or transaction (fig. 14, item

1401-1403).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in

section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that

the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the

invention was made.

Claims 42-45, 48-52, 91-94, 98-101, 105-108, 110, 111, 113-123, 126, 127, 129, 131-

134, 136, and 140 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Manghirmalani et al. (US 5,819,028) in view of Tuli et al. (US 6,256,651).

As per claim 42, Manghirmalani et al. teaches an electronic interface for collecting

information for a data picture, the interface comprising:

a data palette providing a set of data parameters available for selection, said set of data

parameters including at least some in text form corresponding to predefined statements

concerning an action and/or a transaction (col. 12, lines 1-15); and

a data canvas on which a selected set of one or more of said set of data parameters can be

displayed and arranged arbitrarily by a user to generate the data picture (col. 12, lines 16-45);

and

wherein the data picture includes a display of a graphical arrangement of the selected set

of data parameters relative to one another, the graphical arrangement being configured by the

user within the data canvas. (fig. 13, fig. 14, col. 12, lines 46-68, col. 13, lines 1-15; Examiner

interprets defining danger zoom for canvas 1301, 1302, and 1303, to be allowing user to

configure the data canvas with one or more corresponding predefined statement).

However, Manghirmalani fails to teach displaying graphically relative positioning of the

selected set of data parameters.

Tuli teaches displaying graphically relative positioning of the selected set of data

parameters. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's

with method of Manghirmalani in order to provide users with a graphical representation of

priority.

As per claim 43, Manghirmalani and Tuli teach the interface of claim 42. Tuli further

teaches wherein said selected set of data parameters can be selected and physically moved by

such user to a gradient on said data canvas by physically manipulating an electronic pointing

device (column 4, lines 62-68).

As per claim 44, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani

further teaches wherein the data picture is generated using a single data capture screen including

said data palette and said data canvas (fig. 13, 1307-1320).

As per claim 45, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani

further teaches wherein the data picture is translatable into one or more electronic records

including numeric data values. (col. 13, lines 1-20, col. 6, lines 32-55).

As per claim 48, Manghirmalani and Tuli teach the interface of claim 47. Manghirmalani

further teaches wherein said data canvas conveys visible feedback information when the user is

arranging said selected set of data parameters (col. 12, lines 46-68).

As per claim 49, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani

further teaches wherein said set of data parameters include factors associated with lessons

learned by a user concerning such action and/or transaction (col. 12 ,lines 16-46).

As per claim 50, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani

further teaches wherein said interface also provides a visual comparison between data in said

data picture and other data pictures (fig 13, fig 14).

As per claim 51, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani

further teaches wherein said interface also provides visual feedback to such operator based on an

evaluation of said data in the data picture (col. 12, lines 46-68).

As per claim 52, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani

further teaches wherein said set of parameters can be customized by the user (col. 12. lines 16-

46)

As per claim 91, Manghirmalani et al. teaches a computer program comprising the steps

of:

A signal bearing medium bearing a least one of:

One or more instruction for providing a data palette, said palette including a set of data

parameters available for selection by a user of the program, such that said set of data parameters

includes at least some corresponding to predefined statements concerning an action and/or a

transaction (fig. 12. col. 12, lines 15-46); and

One or more instruction for providing a data canvas on which selected data parameters

can be displayed. and arranged arbitrarily by said user to generate the data picture; (fig. 12. col.

12, lines 15-46)

wherein the data picture can be based at least in part on a graphical arrangement of a

selected group of said predefined statements collected from said user and pertaining to the user's

mental impressions concerning said action and/or said transaction, said graphical arrangement

being configured by the user with the data canvas which is based physical position selected by

the user within the data canvas for said predefined statement and/ or a relative spatial

relationship between said predefined statement with in the data canvas concerning said action

and/or said transaction. (fig. 12. col. 12, lines 15-46).

However, Manghirmalani fails to teach displaying graphically relative positioning of the

selected set of data parameters.

Tuli teaches displaying graphically relative positioning of the selected set of data

parameters. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's

with method of Manghirmalani in order to provide users with a graphical representation of

priority.

As per claim 92, Manghirmalani Tuli teach the computer program of claim 91.

Manghirmalani further teaches wherein all information collected from said user is captured using

a single data picture (fig. 13, col. 12. lines 46-68).

As per claim 93, Manghirmalani Tuli teach the computer program of claim 91.

Manghirmalani further teaches wherein all information for the data picture is captured during a

data collection session using a single data collection screen (fig. 13, col. 12. lines 46-68).

As per claim 94, Manghirmalani Tuli teach the computer program of claim 91.

Manghirmalani further teaches wherein the data picture is stored as part of a transaction record

which includes numeric data values. (fig 13, col. 12, lines 46-48; It is inherent that the numeric

data illustrated by the graph is not input by the user).

As per claim 98, Manghirmalani Tuli teach the computer program of claim 91.

Manghirmalani further teaches including a step of providing visual feedback based on an

evaluation of the data picture to present the user with a visual output depicting an expected

outcome of said action and/or said transaction based on the data picture (fig. 13. items 1307a-c

col. 12, line 47-68; Examiner interrupts the visual indicator to be visual feedback.).

As per claim 99, it rejected with the same rationale as claim 91. (see rejection above)

As per claim 100, which is dependent on claim 99, it is of the same scope as claim 92.

(see rejection above)

As per claim 101, which is dependent on claim 99, it is of the same scope as claim 93. (see rejection above)

As per claim 105, which is dependent on claim 99, it is of the same scope as claim 98. (see rejection above)

As per claim 106, Manghirmalani teaches a method of capturing data concerning an actual or proposed transaction from a user of a computing system, said system including at least a keyboard and pointing device for inputting data, the method comprising:

providing a set of a plurality of individual assertions, said assertions being associated with mental impressions of the user relating to the transaction (col. 12, lines 1-47; Examiner interrupts the formula that is used by the administrator to be the mental impressions that administrator has for determining health of the system base on the data); and

displaying said set of assertions to the user in a first portion of a visible electronic interface (col. 12, lines 1-47; Examiner interrupts MIB object meters to be assertions); and

permitting the user to select and move selected assertions taken from said set of assertions to a second, separate portion of said visible interface, which second separate portion acts to display such selected assertions along a visible gradient (col. 12, lines 16-20; It is inherent that the same MIB objects can be used in different formula); and

permitting the user to arrange said selected assertions in a ranking order relative to each other along said visible gradient to create a data picture (col. 7, lines 60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank of that type of data).

However, Manghirmalani fails to teach displaying graphically relative positioning of the selected set of data parameters.

Tuli teaches displaying graphically relative positioning of the selected set of data

parameters. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's

with method of Manghirmalani in order to provide users with a graphical representation of

priority.

As per claim 107, Manghirmalani and Tuli teach the method of claim 106.

Manghirmalani further teaches wherein all information collected from said user for the actual

and/or proposed transaction is captured using said set of assertions (col. 6, lines 1-8).

As per claim 108, which is dependent on claim 106, it is of the same scope as claim 92.

(see rejection above)

As per claim 110, Manghirmalani and Tuli teach the method of claim 106.

Manghirmalani further teaches including a step of providing a visual comparison between the

data picture and data collected from said user during a prior data capture session (fig. 14, items

1401-1403).

As per claim 111, it is rejected with same rationale as claim 106. (see rejection above)

As per claim 113, Manghirmalani and Tuli teach the method of claim 111.

Manghirmalani further teaches including providing a gradient visible to the user for assisting in

the ranking of said selected assertions (col. 7, lines 60-67; Examiner interrupts weight assigned

to each type of network specific data to be the rank of that type of data).

As per claim 114, Manghirmalani and Tuli teach the method of claim. 111. Manghirmalani further teaches including providing visible feedback information when the user arranges said selected assertions (fig. 13, item 1304).

As per claim 115, Manghirmalani and Tuli teach the method of claim. 111. Manghirmalani further teaches wherein said palette of individual assertions include statements associated with lessons learned by a user concerning such action and/or transaction (Fig. 4, item "item 404"; Examiner interprets studying the collision history of the network to be learning the lessons of the passed).

As per claim 116, Manghirmalani and Tuli teach the method of claim 115. Manghirmalani further teaches including a step of retrieving and modifying any of said lessons associated with the user input data at a later time. (fig. 14, items 1401-1403)

As per claim 117, Manghirmalani and Tuli teach the method of claim 111. Manghirmalani further teaches wherein said palette of individual assertions can be customized at least in part by the user (fig 12, item 1203; col. 12, lines 1-47).

As per claim 118, Manghirmalani and Tuli teach the method of claim 111. Manghirmalani further teaches including a step of providing a visual comparison between the user input data and program data collected from said user during a prior session.

As per claim 119, which is dependent on claim 111, it is of the same scope as claim 98. (see rejection above)

As per claim 120, which is dependent on claim 111, it is of the same scope as claim 93. (see rejection above)

As per claim 121, Manghirmalani teaches a method of capturing input data from a user

within an electronic interface comprising:

(a) providing a menu within the interface for presenting a set of data parameters to the

user (fig. 12, item 1204);

(b) providing a canvas in association with the interface for creating a data record based

on said set of data parameters (fig. 12, items 1208-1213);

(c) moving a selected data parameter from the set of data parameters to said canvas (fig.

12, items 1208-1213); and

(d) arranging said selected data parameter on said canvas so as to indicate a

corresponding weighting factor to be associated with said selected data parameter (col. 7, lines

60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank

of that type of data); and

However, Manghirmalani fails to teach relatively positioning said selected data parameter

on said canvas so as to indicate a corresponding weighting factor be associated with said selected

data parameter.

Tuli teaches relatively positioning said selected data parameter on said canvas so as to

indicate a corresponding weighting factor be associated with said selected data parameter.

(column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's

with method of Manghirmalani in order to provide users with a graphical representation of

priority.

As per claim 122, Manghirmalani and Tuli teach the method of claim 121. Manghirmalani further teaches wherein said data record is used as a query to locate additional information for the user (fig. 14, items 1401-1403).

As per claim 123, Manghirmalani and Tuli teach the method of claim 121. Manghirmalani further teaches wherein said data record is compared against other data records and a visual analysis is presented to the user (fig. 14, items 1401-1403; It is inherent that the health data, the load data, and the error data are being compared against each other).

As per claim 126, it is rejected with the same rationale as claim 106. (see rejection above)

As per claim 127, Manghirmalani and Tuli teach the method of claim 126. Manghirmalani further teaches wherein said feedback information includes:

(a) a set of data records correlating with said input data (col. 12, lines 1-15);

(b) a list of proposed options based on said input data (col. 12, lines 1-15);

(c) changes in an appearance of said data interface (fig. 13, fig. 14, col. 12, lines 46-68, col. 13, lines 1-15); and/or

(d) a prediction of expected financial return based on input data;

(e) a financial performance associated with transactions using said input data.

As per claim 129, Manghirmalani and Tuli teach the method of claim 106. Manghirmalani further teaches wherein said data parameters correspond to reasons, motivations or perceptions concerning a transaction and/or action by the user (Fig. 4, item "item 404";

Examiner interprets studying the collision history of the network to be learning the lessons of

the passed).

As per claim 131, it is rejected with the same rationale as claim 106. (see rejection above)

AS per claim 132, Manghirmalani and Tuli teach the method of claim 131.

Manghirmalani further teaches wherein said feedback includes a chart and/or graph (fig. 14, item

1401-1403).

As per claim 133, Manghirmalani and Tuli teach the method of claim 152.

Manghirmalani further teaches wherein said feedback includes a proposed model set of data

records and weighting factors (col. 7, lines 60-67).

As per claim 134, Manghirmalani and Tuli teach the method of claim 131.

Manghirmalani further teaches wherein said feedback includes a prediction associated with using

said one or more of data records (Fig. 12, item 1202).

As per claim 136, it is rejected with the same rationale as claim 106. (see rejection above)

As per claim 140, which is dependent on claim 138, it is of the same scope of 45. (see

rejection above)

Claims 46, 47, 95-97, 102-104, 109, 112, 124, 125, 130, 135, 144, 145 are rejected under

35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Tuli et

al. (US 6,256,651) in view of Ferguson et al. (US 6,064,984).

As per claim 46, Manghirmalani and Tuli teach the interface of claim 45. However, they

fail to teach wherein said numeric data values are based on the physical location of said selected

set of data parameters as placed by the user on said data canvas.

Ferguson et al. teaches wherein said numeric data values are based on the physical

location of said selected set of data parameters as placed by the user on said data canvas. (col. 8,

lines 46-64)

It would have been obvious to an artisan at the time of the invention to include

Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the

ability to see the possible results of different hypothetical scenarios.

As per claim 47, Manghirmalani and Tuli teach the interface of claim 42. However, they

fail to teach wherein said selected set of data parameters, including individual ones of said

selected group of predefined statements can be ranked in relative importance by the user based

on their location on said data canvas.

Ferguson et al. teaches teach wherein said selected set of data parameters, including

individual ones of said selected group of predefined statements can be ranked in relative

importance by the user based on their location on said data canvas (col. 12, lines 16-54;

Allowing user to decide how much money should be allocated into to each categories, such as

stocks, bond, and cash, Ferguson effectively provide the user with the ability to rank the relative

importance of each category in his/her over all financial investment strategy).

It would have been obvious to an artisan at the time of the invention to include

Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the

ability to see the possible results of different hypothetical scenarios.

As per claim 95, which is dependent on claim 91, it is of the same scope as claim 46. (see

rejection above)

As per claim 96, which is dependent on claim 91, it is of the same scope as claim 47. (see rejection above)

As per claim 97, which is dependent on claim 91, it is of the same scope as claim 46. (see rejection above)

As per claim 102, which is dependent on claim 99, it is of the same scope as claim 46. (see rejection above)

As per claim 103, Manghirmalani and Tuli teach the interface of claim 99. However they fails to teach the interface further includes a step of permitting said user to rank said personalized individual assertions on said data canvas.

Ferguson et al. teaches a step of permitting said user to rank said personalized individual assertions on said data canvas (col. 12, lines 16-54; Allowing user to decide how much money should be allocated into to each categories, such as stocks, bond, and cash, Ferguson effectively provide the user with the ability to rank the relative importance of each category in his/her over all financial investment strategy).

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 104, which is dependent on claim 103, it is of the same scope as claim 46. (see rejection above)

As per claim 109, which is dependent on claim 106, it is of the same scope as claim 47. (see rejection above)

As per claim 112, which is dependent on claim 111, it is of the same scope as claim 46. (see rejection above)

As per claim 124, which is dependent on claim 121, it is of the same scope as claim 46. (see rejection above)

As per claim 125, which is dependent on claim 124, it is of the same scope as claim 47. (see rejection above)

As per claim 130, which is dependent on claim 126, it is of the same scope as claim 46. (see rejection above)

As per claim 144, which is dependent on claim 141, it is of the same scope as claim 46. (see rejection above)

As per claim 145, which is dependent on claim 144, it is of the same scope as claim47. (see rejection above)

As per claim 135, Manghirmalani and Tuli teach the method of claim 111. However, they fails to teach wherein said feedback includes a financial performance associated with using said one or more data records.

Ferguson et al. teaches a method wherein said feedback includes a financial performance associated with using said one or more data records (col. 8, lines 46-64).

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to see the possible results of different hypothetical scenarios.

Claims 138 and 139 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Manghirmanlani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Black et al. (US

6,012,042).

As per claim 138, Manghirmalani and Tuli teach the method of claim 136. However,

they fails to teaches the method wherein said action and/or transaction pertains to trading a

security, and said first data picture is associated with a purchase of said security, and said second

data picture is associated with a sale of said security.

Black et al. teaches a method wherein said action and/or transaction pertains to trading a

security, and said first data picture is associated with a purchase of said security, and said second

data picture is associated with a sale of said security (col. 10, lines 16-36).

It would have been obvious to an artisan at the time of the invention to include Black's

teaching with method of Manghirmalani and Tuli in order to provide user with the ability to set

up alert for financial events.

As per claim 139, Manghirmalani, Tuli and Black teach the method of claim 138. Black

further teaches the method including a step (d): providing feedback to the user to indicate a

financial performance associated with said trading of said security (col. 10, lines 16-36).

Claims 137 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Manghirmanlani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Wren. (US

6,055,514)

As per claim 137, Manghirmalani and Tuli teach the method of claim 136. However, they fails to teach wherein said first data picture is not alterable after it is created.

Wren teaches a method the where the data picture is stored permanently (col. 4, lines 42-65).

It would have been obvious to an artisan at the time of the invention to include Wren's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to review the data later.

Claims 128 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Richards (US 6,539,361).

As per claim 128, Manghirmalani and Tuli teach the method of claim 126. However, they fail to teach wherein said data input session is conducted using a Java - applet operating within an Internet browser.

Richards et al. teaches a method data input session is conducted using a Java - applet operating within an Internet browser (col. 23, lines 30-40).

It would have been obvious to an artisan at the time of the invention to include Richards' teaching with method of Manghirmalani and Tuli in order to provide user with the ability to access the Internet.

(10) Response to Argument

A. Manghirmalani et al. fails to anticipate claims 141-143.

1) Appellant argued that Manghirmalani fails to teach a weighting factor associated with

said data parameter, said weighting factor being derived from a relative placement of said data

parameter within the graphical arrangement.

Examiner disagrees.

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest

reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372,

54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van

Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant always has the opportunity to amend the claims during prosecution, and broad

interpretation by the examiner reduces the possibility that the claim, once issued, will be

interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541,

550-51 (CCPA 1969).

In this case, Manghirmalani teaches a weighting factor because Manghirmanlani provides

users with the ability to assign weighting factors to parameters by allowing users to select their

desired parameters from the a list of available parameters to formulate equation, that determine

the health, the load rate, and the error rate of a network. (see Manghirmanlani; column 12, lines

15-46) Assigning parameters to determine the critical status of a network is giving weight to

these parameters. (see Manghirmanlani; column 12, lines 15-46) Furthermore, the relative

placement of the parameters within a equation also determines their weight within that equation.

(see Manghirmanlani; fig. 12, item 1203) Moreover, the equations are graphical arrangements.

Therefore, Manghirmalani teaches weighting factors as claimed.

2) Appellant argued Manghirmanlni fails to teach "wherein a collection of data picture

records are grouped for said action and/or transaction."

Examiner disagrees.

Manghirmalani teaches a collection of data pictures records that are grouped as claimed

because data of selected parameters are gathered to create graphical status indicator as to the

health, the load rate, and the error rate of a network. (see Manghirmalani, col. 7, lines 55-col. 8,

lines 8)

B) Claim 42-45, 48-52, 91-94, 98-101, 105-108, 110, 111, 113-123, 126, 127, 129, 131-134,

136, and 140 are not Rendered obvious by Manghirmalani et al. in view of Tuli et al.

1) Appellant argued there is no motivation to combine Tuli's teaching with

Manghirmalani's interface.

Examiner disagrees.

In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992).

In this case, Tuli provides a motivation to combine its graphical representation of priority with interface of Manghirmalani and that is to provide users with the ability to plot a graphical presentation of the parameter based on priority. (see Tuli, column 1 ,lines 37-45)

Furthermore, all the claimed elements were shown in Manghirmalani and Tuli and one skilled in the art could have combined the elements as claimed by known methods with no change in their function, and the combination would have yielded an interface that allows users to display the available data parameters in Manghirmalani in a graphical representation suggested by Tuli, which is a predictable result that would have been obvious to one of ordinary skill in the art at the time of the invention.

2) Appellant argued Tuli fails to teach a data parameter that can be selected and physically moved by the user.

Examiner disagrees.

Tuli teaches this limitation because it allows the user to drag and drop a data parameter within a bar graph. (see Tuli, col. 4 ,lines 60-68) Drag and Drop operations are physical manipulation of the data parameter.

3) Appellant argued Manghirmanlni fails to teach "wherein a collection of data picture records are grouped for said action and/or transaction."

Examiner disagrees.

As discussed above in item A(2), Manghirmalani teaches limitation because data of selected parameters are gather to create graphical status as to the health, the load rate, and the error rate of a network. (see Manghirmalani, col. 7, lines 55-col. 8, lines 8)

4) Appellant argued Manghirmanlni fails to provide feedback information to the user.

Examiner disagrees.

Manghirmalani teaches providing a user with information regarding network device type

of the selected meter type. And this information is feedback information. (see Manghirmalani,

col. 12, lines 25-35) And this information is a helpful feedback for users to determine health

status of a network.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Peng Ke

Conferees:
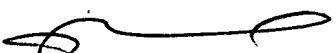
Lynne H. Browne

Appeal Practice Specialist, TQAS

Technology Center 2100
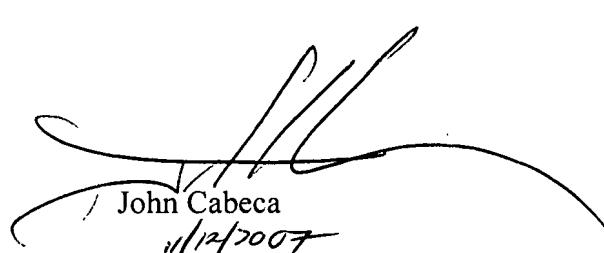
/ John Cabeca
11/12/2007

Supervisory Primary Examiner

Technology Center 2100